

Police Officer Standards and Training Council



Statewide Policy Concerning: *Investigation and Reporting of Hate Crimes*

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Purpose

“Hate crimes and other bias-related incidents instill fear across entire communities and undermine the principles upon which our democracy stands. All people in this country should be able to live without fear of being attacked or harassed because of where they are from, what they look like, whom they love or how they worship.” US Attorney General Merrick Garland

Hate crimes and bias incidents are egregious attacks on a person’s dignity that attempt to diminish the inherent value of a person. The wounds inflicted can be emotional, physical, or even fatal, and they often instill fear in the victim, targeted group, family, and community. Any person can be a victim or a perpetrator of a hate crime. Connecticut law enforcement takes hate crimes very seriously and will employ all necessary resources to identify and arrest the perpetrators of hate crimes. Some victims, based on lived experience or beliefs, maintain an adversarial view of law enforcement. Connecticut law enforcement must recognize this fact and do its part to eliminate barriers to robust reporting and investigation of hate crimes. This will require building bridges based on trust, mutual respect, transparency, and regular communication between law enforcement and communities. Effectively combatting the scourge of hate crimes cannot occur in a vacuum. It must be an honest and collaborative partnership requiring the active participation of law enforcement and all communities.

Policy

Pursuant to PA 22-9 (sec. (2) (4)), the Police Officer Standards and Training Council (POSTC) in consultation with the Commissioner of Emergency Services and Public Protection and the Statewide Hate Crimes Advisory Council shall “develop a model policy for the investigation of hate crimes.” This model policy requires that all suspected hate crimes be thoroughly investigated in accordance with applicable law, and it sets out the procedures for the detection, investigation, and reporting of hate crimes, as well as best practices in training and the prevention of hate crimes.

- a. Specifically, this policy serves to:
 - (a) Establish a statewide POSTC model policy for the investigation of hate crimes that all law enforcement units will adopt and implement. Agencies may choose to augment the minimum requirements of the model policy but may not diminish the requirements.
 - (b) Pursuant to CGS § 29-7d, adopt and disseminate a standardized Hate Crimes Reporting Form to be completed by a law enforcement unit in making an initial notification or report to the Hate Crimes Investigation Unit-Connecticut State Police (HCIU-CSP).
 - (c) Develop best practices to facilitate the continued sharing of information among and between the Hate Crimes Investigative Unit and law enforcement units.
 - (d) Promote outreach and public education that informs the public of its right to report any criminal activity or suspected criminal activity and explains how to report hate crimes and bias incidents through state and municipal telephone hotlines and web sites.

Definitions

- (1) **Bias/Hate Incident-** those non-criminal actions, actual or perceived, by an individual or group that are motivated by hate or bias towards persons of a different race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression.
- (2) **Bias Motive-** the suspect's prejudice toward the actual or perceived characteristics of a protected group that led them to intentionally select the victim.
- (3) **Crimes with Bias Elements-** any crime that may not be bias-motivated but during or after the commission of the crime, the suspect uses a derogatory comment directed at the victim's protected status or group.
- (4) **Disability-** a physical or mental impairment, whether temporary or permanent, that is due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.
- (5) **Ethnic group-** Hispanic or non-Hispanic
- (6) **Gender-** the social norms and expectations of men and women in terms of their roles, behaviors, activities, and attributes. Gender interacts with, but is distinct from, biological sex.
- (7) **Gender expression-** external manifestations and appearance of one's gender identity, usually expressed through one's behavior, clothing, haircut, body characteristics, or voice and grooming habits, which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
- (8) **Gender identity-** an individual's sense of self as male, female, a blend of both, or neither. Gender identity can be the same or different as their sex assigned at birth.
- (9) **"In whole or in substantial part-"** means that the bias motivation was a primary or substantial reason for the selection of the victim.
- (10) **Hate crime-** A crime in which the suspect intentionally selects a victim, in whole or in substantial part because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of the victim.
- (11) **Hate Group-** An organization or group whose ideology, goals, or activities are substantially based on a shared antipathy, hostility, or hatred towards a group based on actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression. The mere presence of biased members in a group or organization is typically not enough to qualify it as a hate group; the group itself must have some hate-based orientation/purpose. The mere existence of a hate group is not necessarily criminal.
- (12) **Hate speech –** The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to imminent lawless

action, conspiracy, and solicitation to commit any crime. In *Wisconsin v. Mitchell* (1993), the Supreme Court ruled that discriminatory speech during the commission of a hate crime may be used as evidence of bias motive. Or Speech indicating bias or bigotry, if uttered in the commission of a hate crime, may be used as evidence of motive.

- (13) **National Origin**- a person's real or perceived ethnic background related to birthplace, ancestry, culture, or language.
- (14) **Protected Group**- based on actual or perceived membership in a group based on race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression.
- (15) **Race**- a person or group of persons who actually identify or are perceived as, American Indian or Alaskan Native, Asian, Black, Native Hawaiian or other Pacific Islander, or White.
- (16) **Religious Group**- a group of people who share the same religious beliefs and practices. Examples include but are not limited to religious groups such as Catholic, Jewish, Protestant, Muslim, Sikh, and Hindu as well as other belief-based groups such as atheist or agnostic.
- (17) **Sexual Orientation**-a person's identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted. CGS § 46a-81a defines sexual orientation as "having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference."
- (18) **Target or Target Organization**- Includes individuals, businesses, nonprofit organizations, schools, faith-based organizations, and other organizations.
- (19) **Transgender** – a person whose gender identity differs from the sex the person had or was identified as having at birth. Officers shall report anti-transgender bias as bias directed towards gender identity or gender expression.
- (20) **Victim**: Includes, but is not limited to, an individual person, community center, educational facility, family, group, library, meeting hall, office, place of worship, private institution, public agency, or other victim, or intended victim who was a victim of hate crime are violated by an offender because of actual or perceived characteristics of the victim or organization, group.

Response and Reporting Protocols

Officers shall conduct a thorough, prompt, and complete investigation in all suspected hate crime/incidents. Initial responding officers should follow standard Connecticut Law Enforcement Field Manual protocols for responding to a crime scene, including:

1. Initial Response Procedures

- (a) Secure the scene to minimize the risk of escalation and further injury.
- (b) Stabilize injured persons and request emergency medical aid if needed.
- (c) Identify and isolate witnesses.

- (d) Identify and protect potential physical evidence. Prevent the contamination, removal, or destruction of evidence.
- (e) Request additional resources as needed to secure the scene, interview witnesses and document, process and collect evidence. Request the assistance of an interpreter when necessary.

2. Investigation

- (a) Interview victim(s), witnesses and suspect(s) to gather information regarding the circumstances of the incident. Obtain written statements. Photograph evidence.
 - a. Ascertain the existence of any relationship or nexus between the victim and the suspect(s). Are there protective or restraining orders in place?
 - b. Do the statements of the victim indicate or suggest evidence of a hate crime or incident? Attempt to establish the victim's perception of why the incident might have happened.
 - c. Do the statements of witnesses suggest evidence of a hate crime?
 - d. Do the statements of the suspect suggest evidence of a hate crime? The suspect's perception of the victim (whether accurate or not) is particularly relevant to the investigation of a potential hate crime.
 - e. Were words, phrases or slurs commonly associated with hate crimes or incidents used? Recording exact language is critical.
 - f. Were offensive symbols or acts/gestures used?
 - g. Have multiple incidents occurred in a short time period involving victims of the same identifiable group?
- (b) Is there physical evidence of a hate crime or incident including but not limited to
 - a. Are hate literature, pamphlets, letters, or flyers located?
 - b. Have objects or symbols commonly used or associated with hate groups such a swastika, noose, or other symbols been located?
 - c. Is there desecration of religious symbols, objects, or buildings?
 - d. Is there social media content preceding, following, or related to the incident?
 - e. Does the date of the incident align with a religious holiday or observance or significant historical event, e.g., 9/11?
 - f. Did the event take place at or near a gathering of a group of people affiliated by race, religion, sexual orientation, ethnicity, etc.?
 - g. Are spray paint cans located?
 - h. Does the perpetrator(s) have tattoos, clothing, jewelry, or paraphernalia suggesting an affiliation with a hate group?
 - i. Canvass the immediate vicinity for additional witnesses or evidence related to the incident or that is suggestive of additional incidents or community targeting.

3. Reporting

- (a) Should sufficient indicators, evidence, or information exist to suggest a potential bias or hate element to the incident, complete the POSTC Form HCR (P.A. 22-9) Hate Crimes Reporting Form
 - a. The form includes fields to document general information and:
 - i. The type of incident;
 - ii. The type of bias;
 - iii. Bias indicators;

- iv. The target of the incident;
 - v. Suspect information;
 - vi. Suspect's weapons;
 - vii. Relationship between suspect and victim;
 - viii. Extent of injury/damage to person or property.
 - ix. Whether video was seized as evidence.
- b. The completed HCR Form must be submitted within fourteen (14) days to the Hate Crimes Investigative Unit-CSP hate.crimes@ct.gov Pursuant to CGS § 29-7d (Sec. 2-3), the HCIU-CSP; "shall compile, monitor and analyze data regarding any criminal activity," and; "shall share data and information with, and may provide additional assistance to, any law enforcement unit to assist in the investigation of any criminal activity or suspected criminal activity."

4. Arrest

- a. Officers seeking to make an arrest, whether on-scene, based on speedy information, or via arrest warrant should reference current, official publications or directives to ensure proper charges are lodged. These can include, but are not limited to:
- i. Current edition of the Connecticut General Statutes
 - ii. Current edition of the 'Connecticut Law Enforcement Officers' Field Manual (the 'Red Book')
 - iii. Directives received from the Office of the Chief States' Attorney or the agency's local J.D./G.A.

5. Victim

- a. Express the official position of Connecticut law enforcement that hate crimes are important and will be fully investigated.
- b. Indicate the department's commitment to ensuring the anonymity, privacy, and security of victims. Explain any security measures to the victim. Provide victims with a point of contact in the agency to whom they may direct questions or express concerns and explain that they have the right to be informed about the case status during the investigation and prosecution.
- c. Ensure that interactions and interviews with victims demonstrate an awareness of the potential trauma of victims. Use open-ended questions and allow the victim to speak uninterrupted.
- d. Victim Resources: Ensure the victim has access to support. Any victims should be furnished with information regarding access to victim services or support including clergy, counseling services, or community service agencies.

When appropriate based on officers discretion provide additional resource materials.

The CT State Police Hate Crimes Investigative Unit (HCIU) seeks to prevent, detect, compile, monitor, and analyze data regarding any criminal activity or suspected criminal activity according to CT Hate Crime Statutes.

HCIU also shares data and information with and may provide additional assistance to any enforcement unit to assist in the investigation of any criminal activity or suspected criminal activity relative to Hate Crimes. HCIU is a resource for all CT law enforcement: E-mail: Hate.Crimes@CT.Gov.

HCIU(Webpage) - Hate Crime Advisory Council

- a. Office of the Victim Advocate-Connecticut, <https://portal.ct.gov/OVA>
- b. The Rights of Victims, Article XXIX of the Constitution of Connecticut, <https://portal.ct.gov/-/media/OVA/Crime-Victim-Rights/Crime-Victims-Rights-Constitution-of-the-State-of-Connecticut.pdf>

Training

- (1) Current and future employees shall receive initial recruit and mandatory triennial training in the investigation of hate crimes and be in accordance with Police Officer Standards and Training Council (POSTC) policies and procedures. This policy is not intended as a substitute for proper training in responding to and investigating hate crimes.

Minimum Training topics

- a. Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.
- b. Accurate reporting by officers, including information on the general underreporting of hate crimes.
- c. Resources available for public sharing, (i.e., Hotlines, web sites).
- d. Collection/preservation of evidence
- e. Special procedures for attending to the victims of hate crimes.
- f. The prevention of hate crimes through outreach initiatives that build trust and forge partnerships with target communities.
- g. Familiarity with organized hate groups operating in the state.
- h. Review of the policy and HCR form.

Prevention

- (1) Agencies should make an affirmative effort to partner with federal state and local law enforcement agencies in community outreach programs related to the prevention of hate crimes. These might include conducting public meetings and holding educational forums on the impact of hate crimes. They should make hate crime victims aware of the services available to them and the relevant laws that apply to their case.
- (2) Agencies should provide information to the public on hate crimes through public education flyers and/or via their websites.

- (3) Agencies should endeavor to ensure that public education and outreach is conducted in the main languages in their jurisdiction. The Connecticut State Police Hate Crimes Investigative Unit can provide assistance if needed.

Reporting Requirements-

On and after January 1, 2023, agencies shall, not later than fourteen days after receiving notification, information or a complaint of any hate crime criminal activity or suspected criminal activity, bias incident or crime with bias element, provide a notice and report to the Hate Crimes Investigative Unit regarding such criminal activity or suspected criminal activity on the standardized form POST HCR (PA 22-9). The form will be submitted in electronic form to the Hate Crimes Investigative Unit of the Connecticut State Police and will include a copy of the incident report. Before submission of the form, the law enforcement agency shall redact any information that may identify a minor, victim, or witness.